

Form 1

IN THE SUPREME COURT OF THE STATE OF MONTANA

Supreme Court Cause No. _____

(To be assigned by the Clerk of the Supreme Court)

Alanah Griffith
PAPE & GRIFFITH, P.C.

Attorney for Appellants ROBERT ROY PENNOCK, MARILYN FROST, Formerly known as
MARILYN PENNOCK, DONALD R. BERNARD, ELIZABETH P. BERNARD, and JAMES
C. KOCH AND THOMAS A. KOCH,

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ROBERT ROY PENNOCK, MARILYN FROST,)
Formerly known as MARILYN PENNOCK,)
DONALD R. BERNARD, ELIZABETH P.)
BERNARD, and JAMES C. KOCH AND)
THOMAS A. KOCH,)

Appellants,)

v.)

JOAN Y. CLARK and VICTORIA LYNNE)
SMITH,)

Appellees.)

FILED

FEB 12 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

NOTICE OF APPEAL

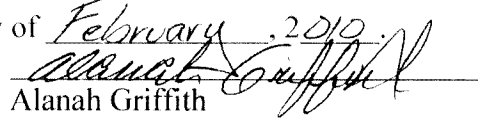
NOTICE is given that ROBERT ROY PENNOCK, MARILYN FROST, Formerly
known as MARILYN PENNOCK, DONALD R. BERNARD, ELIZABETH P. BERNARD, and
JAMES C. KOCH AND THOMAS A. KOCH, the Appellants above-named and who are the
Defendants in that cause of action filed in the Fifth Judicial District, in and for the County of
Jefferson, as Cause No. DV-07-10689, hereby appeals to the Supreme Court of the State of
Montana from the final judgment or order entered in such action on the 29th day of January,

2010, Notice of Final Judgment was mailed on February 2, 2010.

THE APPELLANT FURTHER CERTIFIES:

1. That this appeal is not subject to the mediation process required by M. R. App. P. 7.
2. That this appeal is not an appeal from an order certified as final under M. R. Civ. P. 54(b). If this is such an appeal, a true copy of the District Court's certification order is attached hereto as Exhibit "A."
3. That the notice required by M. R. App. P. 27 has been or will be given, within 11 days of the date hereof, to the Supreme Court and to the Montana Attorney General with respect to a challenge to the constitutionality of any act of the Montana Legislature.
4. That all available transcripts of the proceedings in this cause have been ordered from the court reporter contemporaneously with the filing of this notice of appeal. If all available transcripts have not been ordered, that Appellant has complied with the provisions of M. R. App. P. 8(3) contemporaneously with the filing of this notice of appeal.
5. That included herewith is the filing fee prescribed by statute, or the affidavit to proceed without payment of the required filing fee prescribed in the Appendix of Forms as Form 3.

Dated this 11th day of February, 2010.


Alanah Griffith

Attorney for ROBERT ROY PENNOCK, MARILYN FROST,
Formerly known as MARILYN PENNOCK, DONALD R.
BERNARD, ELIZABETH P. BERNARD, and JAMES C. KOCH
AND THOMAS A. KOCH

CERTIFICATE OF SERVICE

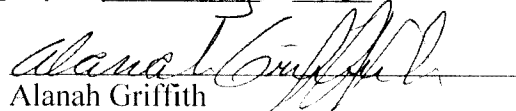
I hereby certify that I have filed a true and accurate copy of the foregoing NOTICE OF APPEAL with the Clerk of the Montana Supreme Court; and that I have served true and accurate copies of the foregoing NOTICE OF APPEAL upon the Clerk of the District Court, each

attorney of record, and each party not represented by an attorney in the above-referenced District Court action, as follows:

Jefferson County Clerk of District Court
Marilyn C. Craft
P.O. Box H
Boulder, MT 59632

Jim McLean
Drysdale, McLean & Willet, PLLP
2066 Stadium Dr., Ste. 101
Bozeman, MT 59715

Dated this 11 day of February, 2010.


Alanah Griffith
1184 N. 15th, Ste. 4
Bozeman, MT 59715
Attorney